

## **C-O-N-T-E-N-T-S**

### **CHAPTER 14      TECHNICAL CODES**

#### **ARTICLE 1      UNIFORM BUILDING CODE**

- 14-1-1      Short Title
- 14-1-2      Adoption
- 14-1-3      Amendments
- 14-1-4      Penalties
- 14-1-5      Right to Appeal

#### **ARTICLE 2      UNIFORM MECHANICAL CODE**

- 14-2-1      Short Title
- 14-2-2      Adoption
- 14-2-3      Penalties
- 14-2-4      Right to Appeal

#### **ARTICLE 3      UNIFORM FIRE CODE**

- 14-3-1      Short Title
- 14-3-2      Adoption
- 14-3-3      Establishment and Duties of Bureau of Fire Prevention
- 14-3-4      Definitions
- 14-3-5      Amendments to Uniform Fire Code
- 14-3-6      Establishment of Limits of District in which  
Storage of Flammable or Combustible Liquids on  
Outside Above-Ground Tank is Prohibited
- 14-3-7      Establishment of Limits in which Storage of  
Liquified Petroleum Gases is to be Restricted
- 14-3-8      Establishment of Limits of Districts in which  
Storage of Explosives and Blasting Agents is to  
be Prohibited
- 14-3-9      Appeals
- 14-3-10      New Materials, Processes, or Occupancies  
which may Require Permits
- 14-3-11      Penalties

#### **ARTICLE 4      ABATEMENT OF DANGEROUS BUILDINGS CODE**

- 14-4-1      Short Title
- 14-4-2      Adoption
- 14-4-3      Applicability
- 14-4-4      Deletions and Amendments

#### **ARTICLE 5      UNIFORM HOUSING CODE**

- 14-5-1      Short Title
- 14-5-2      Adoption
- 14-5-3      Deletions and Amendments

## **ARTICLE 6 FLOOD DAMAGE PREVENTION REGULATIONS**

- 14-6-1 Statutory Authorization
- 14-6-2 Findings of Fact
- 14-6-3 Statement of Purpose
- 14-6-4 Methods of Reducing Flood Losses
- 14-6-5 Definitions
- 14-6-6 Lands to Which This Chapter Applies
- 14-6-7 Basis for Establishing Special Flood Hazard
- 14-6-8 Compliance
- 14-6-9 Abrogation and Greater Restrictions
- 14-6-10 Interpretation
- 14-6-11 Warning and Disclaimer of Liability
- 14-6-12 Development Permit
- 14-6-13 Designation of Building Official
- 14-6-14 Duties and Responsibilities of Building Official
- 14-6-15 Variance Procedure
- 14-6-16 General Standards
- 14-6-17 Specific Standards
- 14-6-18 Flood Ways
- 14-6-19 Penalty

## CHAPTER 14

### TECHNICAL CODES

#### ARTICLE 1        UNIFORM BUILDING CODE

- 14-1-1    Short Title
- 14-1-2    Adoption
- 14-1-3    Amendments
- 14-1-4    Penalties
- 14-1-5    Right to Appeal

**14-1-1    Short Title.** This Article shall be cited as the "Uniform Building Code, 1994."

**14-1-2    Adoption.** The "Uniform Building Code," 1994 edition, the "Uniform Building Code Appendix," 1994 edition, as published by the International Conference of Building Officials, whose address is 5360 South Workman Mill Road, Whittier, California 90601, three (3) copies of which are on file and open for public inspection in the offices of the City Clerk, be and hereby are adopted as the Uniform Building Code of 1994 for the City of Gunnison, Colorado. The purpose of this code is to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction and certain equipment specifically regulated herein, and providing for issuance of permits and collection of fees therefor.

**14-1-3    Amendments.**

The "Uniform Building Code," 1994 edition, is hereby amended or changed as follows:

3-1-3-1: Section 1605.4 Snow Loads, is amended in its entirety to read as follows:

Snow Loads. The minimum snow load requirement for all roofs shall be 40 pounds per square foot.

3-1-3-2: Section 1806.1 Footings, is amended in its entirety to read as follows:

General. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete, or treated wood in conformance with UBC Standard Section No. 1810. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend

at least six inches (6") above the adjacent finish grade. The thickness of the footer shall be a minimum of eight inches (8"). Soil suspected to support less than two thousand (2,000) pounds per square foot foundation pressure according to 1994 UBC Table 18-1-A shall be tested for bearing strength, and the foundation designed accordingly by a Registered Engineer licensed in Colorado. Footings shall have a minimum depth below the finished grade of thirty inches (30") unless a greater depth is recommended by a foundation investigation.

EXCEPTION. A footing depth of thirty inches (30") need not be enforced for free-floating foundations so long as the soil bearing pressure has been determined to be at least two thousand (2,000) pounds per square foot and the foundation has been designed by a Professional Engineer licensed in the State of Colorado, who has inspected the site to consider soil drainage and frost expansion problems. A soil testing laboratory report may be used in lieu of the engineer inspecting the building site.

3-1-3-3: Chapter 32, add new Section 3208, "Canopies," as follows:

Canopies of roofed structures built over City property and supported by posts or columns shall be designed to withstand all imposed loads as required by the Uniform Building Code.

A. The use of City property must be approved by the City Council, and a license must be obtained granting this use.

B. Plans: Prior to the issuance of a building permit to construct a canopy, two (2) sets of plans must be provided showing the structure and location of the structure in detail.

C. Special requirements: The following additional requirements must be met:

1. The side of the canopy nearest the street shall be no closer than eighteen inches (18") from the curb and the lowest horizontal beam at least eight feet six inches (8'6") above the curb and/or sidewalk. The end attached to the building must be at least ten feet (10') above the sidewalk. No portion of the canopy shall be lower than eight feet six inches (8'6") above the sidewalk except columns.

2. Regardless of the size of members required to support design loads, the following members of the canopy shall not be smaller than the following nominal dimensions:

Rafters (2" x 6"); rafter support (2"x 6"); beams, columns, or posts (6" x 6").

3. Roof coverings shall be fire retardant as defined by the Uniform Building Code. Roof sheathing shall be plywood or solidly sheathed with one inch (1") lumber. Side by side canopies shall be separated by a three-eighths inch (3/8") noncombustible divider.

3-1-3-4: Appendix Chapters 10, 11, 12, and 33 are deleted in their entirety.

3-1-3-5: Appendix Chapter 1302 of the Uniform Building Code, 1994, is hereby amended in its entirety to read as follows:

## CHAPTER 1302

### ENERGY CONSERVATION STANDARDS, STATE OF COLORADO

Section 1302.1: Energy Conservation Standards, State of Colorado, adopted.

In order to comply with the "Residential Building Energy Conservation Act of 1977," all mandatory items of the Energy Conservation Standards, published by the Colorado Office of Energy Conservation Program, 1600 Downing Street, 2nd Floor, Denver, Colorado 80218, are hereby adopted in full.

Residential Appendix B is not mandatory and is not adopted as part of this ordinance.

Section 1302.2: The following local values required by the Energy Conservation Standards, State of Colorado, are hereby adopted as part of the standard for nonresidential buildings.

A. Section 302.1, Exterior Design Conditions:

Winter	Design Dry Bulb	-17 deg. F
Summer	Design Dry-Bulb	83 deg. F
	Design Wet-Bulb	59 deg. F
Degree Days Heating 9941		
Degrees North Latitude 38 deg. - 32'		

B. Section 5, Building Design by Component Performance Approach:

Table 5-1 Heating and Cooling Criteria for Non-residential Buildings

Element	Mode	Value	Line
Walls 3 stories or less	Heating Cooling	U .15 OTTV 33.2	#1 #2
Walls over 3 stories	Heating Cooling	U .20 OTTV 33.2	#3 #4
Roof/Ceiling	Heating	U .4	#5
Floors over unheated spaces	Heating	U .7	#6
Heated Slabs on Grade	Heating	R-Value 7.4	#7
Unheated Slabs on Grade	Heating	R-Value 0	#8
Solar Factor	Cooling	127	#9

Section 1302.3, the following local values required by the "Residential Building Energy Conservation Act of 1977." As part of Residential Appendix A of the Energy Conservation Standards, State of Colorado.

6-7-1-5 Table 1

Location: Gunnison, Colorado

Winter Design Dry-Bulb: -17deg.

Degree Day Heating: 9941

6-7-105 Table 2

<u>Element</u>	<u>Required Value</u>
Walls	Uw <u>.145</u>
Roof/Ceiling	Ur <u>.035</u>
Floors over Unheated Spaces	Uf <u>.07</u>
Heated Slab on Grade	R <u>9.0</u>

Section 1302.4, Minimum Insulation Values. Unless greater values are required by the tables set forth herein, the minimum insulation values for all heated structures shall be R-19 for walls and R-30 for ceilings.

3-1-3-6: Section 708.3.1.2.1 is amended as follows:

Two or more dwelling units and hotels: Draft stops shall be installed in the attics, mansards, overhangs, false fronts set out from walls and similar concealed spaces of buildings containing more than one dwelling unit and in hotels. Such draft stop shall be above and in line with the walls separating tenant spaces from each other and from other uses.

EXCEPTIONS:

- A. Draft stops may be omitted along one of the corridor walls, provided draft stops at tenant separation walls extend to the remaining corridor draft stop.
- B. Where approved sprinklers are installed, draftstopping may be as specified in the exception to item (C.) below.
- C. The building owner may elect to build a fire stop in lieu of providing the draft stops as required by this Section if the following conditions are met:
  - 1. Attic areas may not exceed three thousand square feet (3,000 sq. ft.) in area and the greatest horizontal dimension may not exceed sixty feet (60') after the fire stop is installed.
  - 2. The tenant space must exit directly to the exterior of the building to an open balcony or yard.
  - 3. The fire stop shall be constructed with five-eighths inch (5/8") Type X Gypsum board attached to each side of the truss members situated closest to the tenant separation wall that most evenly divides the attic areas. If the fire stop is not directly set upon the tenant separation wall, the wall and fire stop shall be joined with a horizontal fire stop constructed similar to the vertical fire stop.
  - 4. Attic access must be provided to each separate attic area and shall provide an opening of at least twenty inches by twenty-four inches (20" x 24") to allow entry by a fireman.
  - 5. The building owner must indicate and sign the building permit application acknowledging that he understands that this is an exception to the requirements of the Uniform Building Code and that he has elected to use this exception in lieu of the requirements.

3-1-3-7: Appendix Chapter 30 of the "1994 Uniform Building Code" is hereby amended in its entirety to read as follows:

Chapter 30. Elevators, Dumbwaiters, Escalators, and Moving Walks.

Section 3001. All elevators accessible to the public shall have a maintenance and inspection service contract in force with a qualified company engaged in the business to provide such service.

**14-1-4 Penalties.** Penalties for violation of the terms of this ordinance are as set forth in Title I, Chapter 4, Article 2, of the City Code of Gunnison, Colorado.

**14-1-5 Right to Appeal.** Chapter II, Article 8, entitled "Building Board of Appeals" of the City of Gunnison Code, sets forth the appeal procedures.

(Ord. 5-95, 5-24-95)

## CHAPTER 14

### TECHNICAL CODES

#### ARTICLE 2 UNIFORM MECHANICAL CODE

- 14-2-1 Short Title
- 14-2-2 Adoption
- 14-2-3 Penalties
- 14-2-4 Right to Appeal

**14-2-1 Short Title.** This Article may be cited as the "Uniform Mechanical Code, 1994."

**14-2-2 Adoption.** The "Uniform Mechanical Code," 1994 edition, published by the International Conference of Building Officials, whose address is 5360 South Workman Mill Road, Whittier, California 90601, three (3) copies of which are on file and open for public inspection in the office of the City Clerk, be and hereby is adopted as the Mechanical Code of the City, to provide for minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators, and other heat-producing appliances within this jurisdiction, and providing for the issuance of permits and collection of fees therefor.

All regulations, provisions, and conditions of such "Uniform Mechanical Code," 1994 edition, are hereby incorporated herein by reference and made a part hereof as if fully set out in this Article.

**14-2-3 Penalties.** Penalties for violation of terms of this Article are as set forth in Chapter 4, Article 2 of the City Code.

**14-2-4 Right to Appeal.** Chapter 2, Article 8, entitled "Building Board of Appeals" of the City Code sets forth the appeal procedures.

(Ord. 5-95, 5-24-95)



## CHAPTER 14

### TECHNICAL CODES

#### ARTICLE 3 UNIFORM FIRE CODE

- 14-3-1 Short Title
- 14-3-2 Adoption
- 14-3-3 Establishment and Duties of Bureau of Fire Prevention
- 14-3-4 Definitions
- 14-3-5 Amendments to Uniform Fire Code
- 14-3-6 Establishment of Limits of District in which Storage of Flammable or Combustible Liquids on Outside Above-Ground Tank is Prohibited
- 14-3-7 Establishment of Limits in which Storage of Liquified Petroleum Gases is to be Restricted
- 14-3-8 Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited
- 14-3-9 Appeals
- 14-3-10 New Materials, Processes, or Occupancies which may Require Permits
- 14-3-11 Penalties

**14-3-1 Short Title.** This Article shall be cited as the "Uniform Fire Code, 1994."

**14-3-2 Adoption.** The "Uniform Fire Code," 1994 edition, including appendix Divisions II, III, IV, and V, and the "Uniform Fire Code Standards," 1994 edition, published by the Western Fire Chiefs Association and the International Conference of Building Officials, whose address is 5360 South Workman Mill Road, Whittier, California 90601, three (3) copies of which are on file and open for public inspection in the offices of the City Clerk, to prescribe regulations consistent with nationally-recognized good practice for safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises within the City of Gunnison, Colorado.

**14-3-3 Establishment and Duties of Bureau of Fire Prevention.**

A. The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Gunnison, Colorado, which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

B. The Fire Marshal shall be in charge of the Bureau of Fire Prevention and shall be appointed by the City Manager.

C. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as from time to time may be necessary. The Chief of the Fire Department may recommend to the City Manager the employment of technical inspectors who, when authorization therefor shall have been made by the City Council, shall be selected by the City Manager according to their fitness for the position.

#### **14-3-4 Definitions.**

A. Whenever the words "Chief of the Bureau of Fire Prevention" are used, they shall be held to mean the Fire Marshal.

B. Whenever the word "Jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the entirety of that area within the corporate boundaries of the City of Gunnison, Colorado.

C. Whenever the words "Corporate Counsel" are used in the Uniform Fire Code, they shall be held to mean the attorney for the City of Gunnison.

#### **14-3-5 Amendments to the Uniform Fire Code.**

Section 8509.2 shall be amended in its entirety to read as follows:

##### **ACCESS**

Section 8509.2. A minimum of thirty inches (30") of clearance shall be provided in front of electrical control panels for access. All electrical services inside the corporate boundaries of the City of Gunnison, Colorado, shall be equipped with an outside moisture resistant service disconnect device, adjacent to and following the meter, so situated as to be readily accessible and easily openable by fire personnel or for other emergency uses.

#### **14-3-6 Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Above-Ground Tanks Is Prohibited.**

The storage of flammable or combustible liquids in outside above-ground tanks is prohibited in all zoned districts within the City of Gunnison, Colorado, excepting (A) Agricultural and (I) Industrial zoned districts.

##### **EXCEPTION:**

A. Existing above-ground fuel oil tanks used for heating may remain in any district if the capacity or aggregate capacity does not exceed five hundred (500) gallons in Business/Commercial or Residential districts.

B. Agricultural zoned districts may store a maximum two thousand two hundred (2,200) gallons of flammable and combustible liquids in outside above-ground tanks.

C. Bulk plants shall be located in (I) Industrial district and existing bulk plants may remain in other districts provided that no changes to existing plants shall be made which would increase the size, capacity, or danger to the public.

**14-3-7 Establishment of Limits in Which Storage of Liquified Petroleum Gases is to Be Restricted.**

The limits referred to in Section 8204 of the Uniform Fire Code, in which storage of liquified petroleum gas is restricted, are hereby established as follows:

The storage of liquified petroleum gas containers in excess of one thousand two hundred (1,200) gallons, water capacity, is prohibited in all zoned districts within the City of Gunnison, Colorado.

EXCEPTION: Bulk plants or plants of similar nature may be located in the (I) Industrial zone.

**14-3-8 Establishment of Limits of Districts for Which Storage of Explosives and Blasting Agents Is to Be Prohibited.** The limits referred to in Section 7701.7 of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, shall be the entire area within the limits of the City of Gunnison, Colorado.

**14-3-9 Appeals.** Chapter 2, Article 8, entitled "Building Board of Appeals" of the City Code of Gunnison, sets forth the appeal procedures.

**14-3-10 New Materials, Processes, or Occupancies Which May Require Permits** The City Building Official, the Chief of the Fire Department, and the Fire Marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies of which permits are required in addition to those now enumerated in said code. The Fire Marshal shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

**14-3-11 Penalties.** Penalties for violation of the terms of this ordinance are as set forth in Chapter 4, Article 2, of the City Code of Gunnison, Colorado.

(Ord. 5-95, 5-24-95)



## CHAPTER 14

### TECHNICAL CODES

#### ARTICLE 4 ABATEMENT OF DANGEROUS BUILDINGS CODE

- 14-4-1 Short Title
- 14-4-2 Adoption
- 14-4-3 Applicability
- 14-4-4 Deletions and Amendments

**14-4-1 Short Title.** This Article may be cited as the "Abatement of Dangerous Buildings Code, 1994."

**14-4-2 Adoption.** The "Uniform Code for the Abatement of Dangerous Buildings," 1994 edition, as published by the International Conference of Building Officials, whose address is 5360 South Workman Mill Road, Whittier, California 90601, three (3) copies of which are on file and open for public inspection in the offices of the City Clerk, be and hereby is adopted as the Abatement of Dangerous Buildings Code, 1994, for the City of Gunnison, Colorado. The subject matter of this code is the establishment of procedures whereby buildings or structures which, from any cause, endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished. Said code applies to all dangerous buildings, as therein defined, which now are in existence or which hereafter may exist in the City.

**14-4-3 Applicability.** The provisions of this Article shall be controlling within the territorial limits of the City.

**14-4-4 Deletions and Amendments.** Deletions and other amendments hereby made to the 1994 edition of the Uniform Code for the Abatement of Dangerous Buildings are as follows:

- A. Section 205.1 of the Uniform Code for the Abatement of Dangerous Buildings, 1994, is hereby amended to read as follows:

Sec. 205.1. Chapter 2, Chapter 5, Article 8, entitled "Building Board of Appeals" of the City Code sets forth the appeal procedures.

B. Section 908.2 of the Uniform Code for the Abatement of Dangerous Buildings, 1994, is hereby amended to read as follows:

Sec. 908.2. Interest. All such assessments remaining unpaid after thirty (30) days from the date of recording on the assessment rolls shall become delinquent and shall bear interest at the legal rate specified by statute.

(Ord. 5-95, 5-24-95)

**CHAPTER 14****TECHNICAL CODES****ARTICLE 5 UNIFORM HOUSING CODE**

- 14-5-1 Short Title
- 14-5-2 Adoption
- 14-5-3 Deletions and Amendments

**14-5-1 Short Title.** This Article may be cited as the "Uniform Housing Code, 1994."

**14-5-2 Adoption.** The "Uniform Housing Code," 1994 edition, as published by the International Conference of Building Officials, whose address is 5360 South Workman Mill Road, Whittier, California 90601, three (3) copies of which are on file and open for public inspection in the offices of the City Clerk, be and hereby is adopted as the Uniform Housing Code, 1994, for the City of Gunnison, Colorado. The subject matter of this code is to prescribe minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings and structures within the City of Gunnison.

**14-5-3 Deletions and Amendments.** Deletions and other amendments hereby made to the 1994 edition of the Uniform Housing Code are as follows:

A. Section 203 is hereby amended to read as follows:

Sec. 203. Chapter 5, Article 8, entitled "Building Board of Appeals" of the City Code sets forth the appeal procedures.

B. Chapters 12 and 13 of the 1994 edition of the Uniform Housing Code are deleted in their entirety.

(Ord. 5-95, 5-24-95)



**CHAPTER 14****TECHNICAL CODES****ARTICLE 6 FLOOD DAMAGE PREVENTION REGULATIONS**

- 14-6-1 Statutory Authorization
- 14-6-2 Findings of Fact
- 14-6-3 Statement of Purpose
- 14-6-4 Methods of Reducing Flood Losses
- 14-6-5 Definitions
- 14-6-6 Lands to Which This Chapter Applies
- 14-6-7 Basis for Establishing Special Flood Hazard
- 14-6-8 Compliance
- 14-6-9 Abrogation and Greater Restrictions
- 14-6-10 Interpretation
- 14-6-11 Warning and Disclaimer of Liability
- 14-6-12 Development Permit
- 14-6-13 Designation of Building Official
- 14-6-14 Duties and Responsibilities of Building Official
- 14-6-15 Variance Procedure
- 14-6-16 General Standards
- 14-6-17 Specific Standards
- 14-6-18 Flood Ways
- 14-6-19 Penalty

**14-6-1 Statutory Authorization.** The Legislature of the State of Colorado has, in 31-23-101 Colorado Revised Statutes, delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

**14-6-2 Findings of Fact.**

A. The flood hazard areas of the City of Gunnison are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**14-6-3 Statement of Purpose.** It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

**14-6-4 Methods of Reducing Flood Losses.** In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

**14-6-5 Definitions.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

- A. **Appeal.** A request for a review of the Building Official's interpretation of any provisions of this ordinance or a request for a variance.
- B. **Area of special flood hazard.** The land in the floodplain subject to a one percent or greater chance of flooding in any given year.
- C. **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year.
- D. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- E. **Existing manufactured home park or subdivision.** A manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this ordinance.
- F. **Expansion to existing manufactured home park or subdivision.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or to the pouring of concrete pads).
- G. **Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters and/or
  - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- H. **Flood Insurance Rate Map (FIRM).** The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.
- I. **Flood Insurance Study.** The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

J. **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

K. **Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

L. **Manufactured home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

M. **New construction.** Structures for which the "start of construction" commenced on or after the effective date of the original ordinance, and includes any subsequent improvements to such structures.

N. **New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

O. **Recreational vehicle.** A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel, or seasonal use.

P. **Start of construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Q. **Structure.** A walled or roofed building or manufactured home that is principally above ground.

R. **Substantial damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

S. **Substantial improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

T. **Variance.** A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

**14-6-6 Lands to Which this Applies.** This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City of Gunnison.

**14-6-7 Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Management Agency in a scientific and engineering report entitled, “The Flood Insurance Study for the City of Gunnison, Gunnison County, Colorado”, dated 11-16-1982, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this Chapter. The Flood Insurance Study and FIRM are on file at the City of Gunnison, Building Department, 201 W. Virginia Ave., Gunnison, CO 81230.

**14-6-8 Compliance.** No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

**14-6-9 Abrogation and Greater Restriction.** This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**14-6-10 Interpretation.** In the interpretation and application of this Chapter, all provisions shall be:

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

**14-6-11 Warning and Disclaimer of Liability.** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City of Gunnison, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

**14-6-12 Development Permit.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 14-6-7. Application for a development permit shall be made on forms furnished by the Building Official and may include, but not be limited to:

- A. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.
- B. Where base flood elevations are utilized, all new construction, substantial improvements and other development must comply with requirements of Section 14-6-14(B) Use of Other Base Flood Date.

**14-6-13 Designation of the Building Official.** The Building Official is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

**14-6-14 Duties and Responsibilities of the Building Official.** Duties of the Building Official shall include, but not be limited to:

A. Permit Review

1. Review all development permits to determine that the permit requirements of this Chapter have been satisfied;
2. Review all development permits to determine that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the flood way. If located in the floodway, assure that the encroachment provisions of Section 14-6-18A are met.

B. Use of Other Base Flood Data. When base flood data has not been provided in accordance with Section 14-6-7, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any Federal, State, or other source. Where base flood elevation data are utilized, all new construction, substantial improvements, or other development in Zone A are administered in accordance with Sections 14-6-14(C) Information to be Obtained and Maintained and SPECIFIC STANDARDS.

C. Information to be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved improved floodproofed structures:
  - a. Verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
  - b. Maintain the floodproofing certifications required in Section 14-6-17(B)(3).
3. Maintain for public inspection all records pertaining to the provisions of this Chapter.

D. Alteration of Watercourses

1. Notify adjacent communities and the District 10 Regional Planning Commission and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14-6-15.

#### **14-6-15      Variance Procedure.**

##### **A. Appeal Board**

1. The Zoning Board of Adjustments and Appeals (ZBOA), as established by the City of Gunnison, shall hear and decide appeals and request for variances from the requirements of this Chapter.

2. The ZBOA shall hear and decide appeals when it is alleged there is an error in any requirement, decisions, or determination made by the Building Official in the enforcement or administration of this Chapter.

3. Those aggrieved by the decision of the ZBOA, or any taxpayer, may appeal such decisions to the District Court, as provided by law.

4. In passing upon such applications, the ZBOA shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Chapter, and:

- a. the danger that materials may be swept onto other lands to the injury of others;
- b. the danger to life and property due to flooding or erosion damage;
- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. the compatibility of the proposed use with the existing and anticipated development;
- h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

5. Upon consideration of the factors of Section 14-6-15(A)(4) and the purposes of this Chapter, the ZBOA may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

6. The Building Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Emergency management Agency.

#### B. Conditions for Variances

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a - k) in Section 14-6-15(A)(4) have been fully considered. As the lot size increased beyond the one-half acre, the technical justifications required for issuing the variance increases.

2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
  - a. a showing of good and sufficient cause;
  - b. a determination that failure to grant the variance would result in exceptional hardship to the applicants; and
  - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, or conflict with existing local laws or ordinances.
6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

**14-6-16 General Standards.** In all areas of special flood hazard, the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:

- a. over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.
- b. frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
- c. all components of the anchoring system be capable of carrying a force of 4,800 pounds; and
- d. Any additions to the manufactured home be similarly anchored.

**B. Construction Materials and Methods**

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- 3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air condition equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

**C. Utilities**

- 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All Subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

**14-6-17 Specific Standards.** In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 14-6-7, BASIS FOR ESTABLISHING THE BASE AREAS OF SPECIAL FLOOD HAZARD or SECTION 14-6-14(B), Use of Other Base Flood Data, the following provisions are required:

A. Residential Construction

1. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Building Official as set forth in Section 14-6-14(C).

C. Openings in enclosures Below the Lowest Floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
2. The bottom of all openings shall be no higher than one foot above grade; and
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Manufactured Homes

1. Manufactured homes shall be anchored in accordance with Section 14-6-16(A)(2).
2. All manufactured homes or those to be substantially improved shall conform to the following requirement:
  - a. Require that manufactured homes that are placed or substantially improved on a site (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

b. Require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in (a) above be elevated so that either (i) the lowest floor of the manufactured home is at or above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

#### E. Recreational Vehicles

1. Require that recreational vehicles either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and elevation and anchoring requirements for manufactured homes.

**14-6-18 Floodways** Located within areas of special flood hazard established in Section 14-6-7, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Section 14-6-18(A) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 14-6-16, GENERAL STANDARDS and 14-6-17, SPECIFIC STANDARDS.

**14-6-19 Penalty.** Any person, firm, or corporation violating any provision of this chapter, shall be fined or imprisoned in accordance with Section 4-2-1 of the City Code, and a separate offense shall be deemed committed on each day a violation occurs or continues.

Section 2. If any section, subsection, paragraph, sentence, or clause of this ordinance is for any reason held to be invalid, illegal, or unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares it would have passed this ordinance with the section, subsection, paragraph, sentence, or clause regardless of the fact that any one or more of such sections, subsections, paragraphs, sentences, or clauses, might be held invalid.

